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April 12, 2013

To: Supervisor Mark Ridley-Thomas, Chairman
Supervisor Gloria Molina
Supervisor Zev Yaroslavsky
Supervisor Don Knabe
Supervisor Michael D. Antonovich

From: William T Fujioka
Chief Executive Officer

SACRAMENTO UPDATE

Executive Summary

This memorandum provides information on the following:

- **Pursuit of County Position on Legislation**
 - **AB 339 (Dickinson)**, which as introduced on February 13, 2013, would make it a crime to willfully sell or give away, as part of a commercial transaction, a live animal at a swap meet or flea market. Therefore, unless otherwise directed by the Board, consistent with the Board-adopted ordinance which prohibits the sale of live animals at swap meets, **the Sacramento advocates will support AB 339.**
 - **AB 690 (Campos)**, which as amended on April 9, 2013, would revise and recast the provisions governing infrastructure financing districts and instead provide for the creation of jobs and infrastructure financing districts without voter approval. The bill would also remove provisions of current law which require the legislative body of any affected taxing entity to adopt a resolution approving the formation of the infrastructure financing district

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and the contribution of its tax increment to the district. Therefore, unless otherwise directed by the Board, consistent with existing policy to oppose proposals that eliminate the County's authority over the use of tax increment or its ability to determine its role in the formation of and participation in infrastructure financing districts, **the Sacramento advocates will oppose AB 690.**

Pursuit of County Position on Legislation

AB 339 (Dickinson), which as introduced on February 13, 2013, would make it a crime to willfully sell or give away, as part of a commercial transaction, a live animal at a swap meet or flea market.

Existing law makes it a crime to sell or give away a live animal on any street, highway, public right-of-way, parking lot, carnival or boardwalk. No such prohibition exists related to the sale of animals at swap meets or flea markets. Existing law also requires pet stores to abide by animal welfare standards to protect the health and safety of animals and the public. Currently, however, animal welfare and safety standards do not apply to animals sold at swap meets or flea markets.

In 1985, the Board of Supervisors adopted an ordinance (Ord. 85.0204 § 26) establishing County Code 10.40.015 which prohibits any person who maintains, operates, leases, rents or lends space at a swap meet to cause, display for, or promote the sale of live animals at these facilities. Seven other local jurisdictions, including the City of Los Angeles, have enacted similar ordinances banning or limiting animal sales at swap meets.

According to the author, animals sold at swap meets and flea markets are often kept in unsanitary conditions, denied food and water, and exposed to the elements with little protection. Puppies, kittens, rabbits, reptiles, exotic birds and poultry are commonly sold at these venues and are often caged in close proximity to each other increasing the risk of illness and disease transmission. In addition, swap meets and flea markets have become outlets for the sale of smuggled exotic birds, primarily from Mexico. This illegal trade has the potential to introduce parasites and disease that could be transmitted to other animals and wildlife, domestic livestock, and even people.

AB 339 would amend existing law to extend the prohibition on the sale of animals on streets, highways and parking lots to include swap meets and flea markets and would impose an infraction on a person who violates the prohibition for the first time and would impose a misdemeanor for subsequent violations.

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According to the Animal Care and Control Department, AB 339 would assist the County in enforcing the County ordinance by creating criminal penalties for violation of the prohibition on the sale of live animals at swap meets and flea markets. In addition, it would extend the prohibition to all parts of the County and State.

This office and Animal Care and Control recommend support for this measure. Therefore, unless otherwise directed by the Board, consistent with the Board-adopted ordinance to prohibit the sale of live animals at swap meets, **the Sacramento advocates will support AB 339.**

AB 339 is sponsored by Born Free USA and the State Human Association of California and is supported by: Action for Animals; American Federation of State, County and Municipal Employees; AFL-CIO; American Society for the Prevention of Cruelty to Animals; Animal Place; Best Friends Animal Society; Central California SPCA; Central Coast Society for the Prevention of Cruelty to Animals; House Rabbit Society; Human Society of the United States; Humane Society of Ventura County; Humane Society Silicon Valley; Inland Valley Humane Society & S.P.C.A.; Lake Tahoe Humane Society and S.P.C.A.; Marin Humane Society; Orange County Society for the Prevention of Cruelty to Animals; Palo Alto Humane Society; Paw PAC; Public Interest Coalition; RedRover; Sacramento SPCA; San Francisco SPCA; Santa Cruz SPCA; Santa Maria Valley Humane Society; SPCA for Monterey County; Yolo County Society for the Prevention of Cruelty to Animals.

AB 339 is opposed by: Big John's Cages; California Open-Air Marketplaces; California Swap Meet Owners Association; Denio's Farmer's Market and Swap Meet; Greenwich's Acres; Kobey's Swap Meet, San Diego, CA.

AB 339 passed the Assembly Public Safety Committee by a vote of 6 to 0 on April 2, 2013. The bill is currently in the Assembly Appropriations Committee awaiting hearing.

AB 690 (Campos), which as introduced on February 21, 2013, would have revised the provisions governing infrastructure financing districts to: 1) lower the voter approval threshold to 55 percent for the creation of Jobs and Infrastructure Financing Districts (JIFDs) and the issuance of bonds; 2) require adoption and implementation of a job creation plan; and 3) allow a JIFD to include any portion of a redevelopment project area. This measure was significantly amended on April 9, 2013, and it now proposes to:

- 1) provide for the creation of JIFDs without voter approval;

- 2) remove provisions of existing law which require the legislative body of any affected taxing entity to adopt a resolution approving the formation of the JIFD and the contribution of its tax increment to the district;
- 3) authorize a public financing authority to enter into a joint powers agreement with affected taxing entities with regard to non-taxing authority or powers only;
- 4) expand the types of projects eligible for financing from a JIFD to include private commercial property improvements and storm water facilities, among others;
- 5) authorize JIFDs to prepare a jobs creation plan identifying targeted industries that would be provided tax increment financing;
- 6) authorize JIFDs to implement hazardous cleanup pursuant to the Polanco Redevelopment Act, as specified;
- 7) remove provisions of current law that require not less than 20 percent of dwelling units constructed be set-aside for affordable housing; and
- 8) extend the life of a JIFD from 30 years to 45 years.

AB 690 would also allow for the creation of JIFDs in areas of high unemployment in excess of 7 percent at the time the JIFDs are formed, and would allow for the use, transfer, and encumbrance of tax increment until the unemployment rate of the JIFD falls below 7 percent. AB 690 also would eliminate the provisions in current law which prohibit an infrastructure financing district to include any portion of a redevelopment project area.

As amended, AB 690 is a significant departure from current law governing the formation procedures for infrastructure financing districts. Existing law requires that the city or county proposing an infrastructure financing district (IFD) develop an infrastructure plan, send copies to every landowner, consult with other local governments, gain the approval from affected taxing entities to contribute their tax increment to the IFD's financing plan, and hold a public hearing. Once the infrastructure financing plan is approved by the affected taxing entities, the city or county proposing the creation of the IFD must get 2/3 voter approval to form the IFD and issue the bonds. **AB 690 would remove these requirements and would eliminate the County's authority over the use of tax increment or its ability to determine its role in the formation of and participation in infrastructure financing districts.**

AB 690 also modifies the existing infrastructure financing district statutes by adding provisions to focus on job creation; expanding eligible projects to include storm water management facilities, shoreline restoration, private commercial projects, planning and design work related to public facilities, and education and job training programs; and making military bases and brownfield remediation eligible for funding. It is important to note that under current law, IFDs can only finance community scale public works projects such as highways, transit, water systems, sewer projects, flood control, libraries, parks and solid waste facilities.

County Counsel indicates that, as amended, AB 690 would allow for the creation of new districts which would utilize tax increment financing in a way that is similar to redevelopment prior to its elimination in 2012 pursuant to the redevelopment dissolution law (ABx1 26 of 2011 and AB 1448 of 2012). However, under the provisions of AB 690, JIFDs would differ from redevelopment in that establishment of a JIFD would not require blight findings and would also eliminate the requirement that at least 20 percent of the tax increment revenues generated be used to fund affordable housing projects.

County Counsel also notes that the proposed elimination of the current prohibition on an IFD overlapping with redevelopment project areas is problematic and we concur. As currently written, AB 690 would create a conflict with the requirements of current redevelopment dissolution law that stipulates that former redevelopment agency property tax increment revenue must be deposited in the Redevelopment Property Tax Trust Fund to pay down the former redevelopment agency's enforceable obligations to satisfy the provisions of ABx1 26 and AB 1484.

This office and County Counsel oppose AB 690. Therefore, unless otherwise directed by the Board, consistent with existing policy to oppose proposals that eliminate the County's authority over the use of tax increment or its ability to determine its role in the formation of and participation in infrastructure financing districts, **the Sacramento advocates will actively oppose AB 690.**

AB 690 is supported by: Association of Commercial Real Estate (Northern and Southern California), Building Owners and Managers Association California, California Business Properties Association, California Business Roundtable, California Chapters of the Commercial Real Estate Development Association, California Contract Cities Association, California Downtown Association, Central City Association, City of Paramount, City of Selma, Coachella Valley Economic Partnership, Institute of Real Estate Management, International Council of Shopping Centers, Los Angeles County Business Federation (BizFed), Los Angeles County Division, League of California Cities, Retail Industry Leaders Association. This measure is opposed by the California Taxpayers Association.

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AB 690 is scheduled for hearing in the Assembly Local Government Committee on April 17, 2013.

We will continue to keep you advised.

WTF:RA
MR:KA:AO:ma

c: All Department Heads
Legislative Strategist
Local 721
Coalition of County Unions
California Contract Cities Association
Independent Cities Association
League of California Cities
City Managers Associations
Buddy Program Participants